

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM **711 NORTH GALLOWAY** **NOON – MAY 3, 2010**

Discuss the items on the Work and Regular Agenda and discuss: (1) proposed property exchange with Mesquite Independent School District regarding Tosch Elementary School expansion, (2) proposed development agreement for the Heartland Town Center located at Interstate 20 and FM 741 and (3) options for annexation.

- (1) Discussed. It was Council consensus to agree to the property exchange and directed staff to place this item on a future City Council agenda for action.
- (2) Discussed. Council directed staff to bring back some proposed annexation scenarios that would limit the number of annexed residences to less than 100 and that would advance the City's gateway corridor goals for I-20.
- (3) Discussed. It was Council consensus to move forward with finalization of the development agreement.

EXECUTIVE SESSION – NOON **711 N. GALLOWAY – CITY COUNCIL CONFERENCE ROOM**

- (1) **PENDING AND CONTEMPLATED LITIGATION (See Notice of Executive Session – Litigation for Listing of Subjects.)**
- (2) **PURCHASE, EXCHANGE, LEASE OR VALUE OF PUBLIC PROPERTY (See Notice of Executive Session – Real Property for Listing of Subjects.)**
- (3) **APPOINTMENT AND EVALUATION OF PUBLIC OFFICIALS (See Notice of Executive Session – Personnel Matters for Listing of Subjects.)**

CITY COUNCIL – STAFF WORK SESSION **CITY COUNCIL CHAMBER** **1:00 P.M.**

- A. Receive monthly financial report for March 2010. **Received.**
- B. Receive Investment Report for the quarter ending March 31, 2010. **Received.**
- C. Receive briefing from Dallas Water Utilities staff regarding the proposed alignment for the Southwest Water Transmission Pipeline Project. **Received.**

**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBER
3:00 P.M.**

INVOCATION

(Mark Brewer, Pastor, The Oaks, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Emily Gorden, Teal McCoy, Joshua Paul and Sean Mas, fourth grade students from Porter Elementary School.)

SPECIAL ANNOUNCEMENTS

Ms. Roberts stated that new park signage has recently been installed and thanked the Parks and Recreations Department for a job well done.

CITIZENS FORUM

None.

CONSENT AGENDA

(All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the City Council or any individual wish to discuss any item, said item may be removed from the Consent Agenda by motion of the City Council.)

1. Minutes of the regular City Council meeting held April 19, 2010.
Approved.
2. An ordinance amending Section 9-195 of the City Code to reflect parking restrictions along Poteet Drive effective May 10, 2010.
Approved by Ordinance No. 4087.
3. A resolution ratifying the expenditure of \$51,679.00 without competitive bidding for the emergency replacement of the hydraulic oil line, traveling cable, hoist way wire way and hydraulic cylinder for the passenger elevator at the Municipal Center and authorizing payment to Kone, Inc., for such services.
Approved by Resolution No. 17-2010.
4. A resolution authorizing the Mayor to execute an Interlocal Cooperative Purchasing Agreement with National Joint Powers Alliance to allow the purchase of goods and services.
Approved by Resolution No. 18-2010.

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5. Bid No. 2010-053 – Installation of Owner Furnished Wall Covering at the Mesquite Convention Center and Exhibit Hall and Bid No. 2010-072 – Purchase of Wall Covering for the Mesquite Convention Center and Exhibit Hall.
(Staff recommends award of Bid No. 2010-053 to Artistic Painting Company, Inc., in the amount of \$23,678.00 and Bid No. 2010-072 to National Wallcovering, Inc., in the amount of \$34,474.70, and authorize the City Manager to execute the required documents.)
Awarded as recommended.
6. Bid No. 2010-057 – Northridge Addition Sanitary Sewer Rehabilitation by Pipe Bursting, Phase 4.
(Staff recommends the City Manager be authorized to execute a contract with low bidder Horseshoe Construction, Inc., in the amount of \$1,478,346.00.)
Awarded as recommended.
7. Bid No. 2010-060 – Annual Contract for Concrete Crushing.
(Staff recommends award to Southwest Crushing LLC in the amount of \$84,000.00 per year.)
Awarded as recommended.
8. Bid No. 2010-073 – Mesquite Golf Course Roof Replacement.
(Staff recommends the City Manager be authorized to execute a contract with Garland/DBS, Inc., through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities Contract No. 09-5408 in the amount of \$94,975.00.)
Awarded as recommended.
9. Bid No. 2010-074 – Mesquite Golf Course HVAC Equipment Replacement.
(Staff recommends the City Manager be authorized to execute a contract with Berger Engineering Company, through Bid No. 2008-092, Time and Materials, in the amount of \$59,448.00.)
Awarded as recommended.
10. Bid No. 2010-075 – Purchase of Autoscope Video Detection System.
(Staff recommends award to Paradigm Traffic Systems, Inc., through the Houston-Galveston Area Council of Governments Contract PE-05-09, in the amount of \$72,088.00.)
Awarded as recommended.
11. Authorize the Mayor to execute an Agreement with the Mesquite Sunrise Rotary Club and Mesquite Social Services, Inc., for the renovation of the Jewell Westmoreland Social Services Building in an amount not to exceed \$50,000.00.
Approved.
12. Approve the donation of a 1998 Dodge ½-ton Pickup Truck (Unit 857) to Mesquite Social Services, Inc., and confirming its public use.
Approved.

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13. Approve amendments to the Planned Development Site Plan for the 259.359-acre Ridge Ranch development located at the southwest corner of Cartwright Road and Lawson Road.

Approved.

PUBLIC HEARINGS

14. Conduct a public hearing and consider an ordinance for Application No. 93-4-2010 submitted by C. M. Schade for a zoning change from Planned Development-Single Family to Agricultural. This property is further described as a 7.36-acre tract located at 301 W. Cartwright Road.

(One letter in favor and three letters in opposition to the proposed application have been received. The Planning and Zoning Commission denied the application without prejudice. This item was postponed at the April 5, 2010, and April 19, 2010, City Council meetings.)

Postponed until the May 17, 2010, City Council Meeting.

15. A. Conduct a public hearing and consider an ordinance amending the Mesquite Comprehensive Plan to create and modify land use and development policies related to multi-family residential development.

Postponed until the May 17, 2010, City Council Meeting.

- B. Conduct a public hearing and consider an ordinance on Zoning Text Amendment No. 2010-02 to create a new zoning classification to be known as the Traditional Neighborhood Multi-Family District (TMND), which shall include new or amended procedural requirements, standards for site design and regulations affecting building form, building design, setbacks, parking, landscaping and permitted uses.

Postponed until the May 17, 2010, City Council Meeting.

Adjournment.

NOTICE OF EXECUTIVE SESSION

Pending and Contemplated Litigation:

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to consider pending and contemplated litigation subjects or settlement offers. The following cases/subjects may be discussed:

1. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
2. City of Webster and the Webster Economic Development Corporation as Original Plaintiffs with the Cities of Denton, Humble, Lewisville, Mesquite, North Richland Hills and Plano, Denton County Transportation Authority and Fort Worth Transportation Authority as Third-Party Intervenors v. Carole Keeton Strayhorn in her Official Capacity as Comptroller of Public Accounts for the State of Texas as Original

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Defendant with the City of Grand Prairie Added as a Party Defendant by the Intervenor – Filed 4-18-07

3. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
4. Curtis Fritz and Wendy Fritz, Individually and as Next Friends of Morgan Fritz, a Minor v. the City of Mesquite, Texas, and Rink Management Services Corporation dba “The Ice at Stonebriar,” Filed – 10-26-09
5. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
6. Robert J. Fuller v. City of Mesquite, Texas, and Ted Barron, City Manager of the City of Mesquite, Texas, Filed – 12-10-09

Real Property:

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider purchase, exchange, lease or value of real property. The following subject may be discussed:

1. Acquisition of property in conjunction with the Pioneer Road Paving, Drainage, Water and Sanitary Sewer Improvement Project. **Discussed.**

Personnel Matters:

Pursuant to Section 551.074 of the Texas Government Code, the City Council will consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions, and City officers or other employees. A complete list of the members of the City boards and commissions is on file in the City Secretary’s office.

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters posted on this agenda, when such executive session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development); Texas Tax Code Section 321.3022 (Sales Tax Information) and Texas Government Code Section 418.183(f) (Emergency Management).